

REMARKS

Upon amendment, Claims 1-13, 16 and 17 are pending in this application. Claims 14, 15 and 18-21 have been canceled without prejudice.

Applicants respectfully reserve the right to pursue any non-elected, canceled or otherwise unclaimed subject matter in one or more continuation, continuation-in-part, or divisional applications.

Reconsideration and withdrawal of the rejections of this application in view of the amendments and remarks herewith, is respectfully requested, as the application is in condition for allowance.

Applicants respectfully thank the Examiner for allowing claims 1-13 and 16-17.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claim 14, 15 and 18-21 are rejected under 35 U.S.C. §112, First Paragraph, as allegedly failing to comply with the written description requirement, particularly with respect to the nexus of modulation of the vanilloid receptor and a useful treatment of disease.

While Applicants strongly disagree with the Examiner's allegation, and solely for the purpose of advancing prosecution, Claims 14, 15 and 18-21 have been canceled without prejudice. As such, the rejection to these claims is moot.

Applicants respectfully request that the rejections of the claims under 35 U.S.C. § 112, First Paragraph be withdrawn.

CONCLUSION

In view of the amendments and remarks made herein, Applicant submits that the application is in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are respectfully requested. If a telephone conference with Applicant's representative would be helpful in expediting prosecution of the application, Applicant invites the Examiner to contact the undersigned at the telephone number indicated below.

Applicants believe that no additional fees are required for consideration and entry of this paper. However, Applicants authorize the Director to charge any required fee or credit any overpayment to Deposit Account No. 04-1105, under Order No. 82819(303989).

Dated: June 11, 2009

Respectfully submitted,

Electronic signature:

/Nicholas J. DiCeglie, Jr./

Nicholas J. DiCeglie, Jr.

Registration No.: 51,615

EDWARDS ANGELL

PALMER & DODGE LLP

P.O. Box 55874

Boston, Massachusetts 02205

(212) 308-4411

Attorneys/Agents For Applicant

Customer No. 35969